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*Attorneys for Defendant/Counterclaimant/
Third-Party Plaintiff Saiz Construction Company, Inc.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

1 Liability Company; TONOPAH SAND AND)
2 GRAVEL, INC., a Nevada Corporation; TEAL)
3 CONSTRUCTION, INC., a Utah Corporation;)
4 DEVELOPER'S SURETY AND INDEMNITY)
1 COMPANY; an Iowa Corporation, and JOHN)
2 DOES 1 through 30; ROE BUSINESS ENTITIES)
3 1 through 30)
4)

Third-Party Defendants.

6 SAIZ CONSTRUCTION COMPANY, INC., a)
7 Utah corporation.)
8)

Counterclaimant.

vs.

10 PAE APPLIED TECHNOLOGIES LLC, a
Delaware corporation, formerly known as CSC
APPLIED TECHNOLOGIES LLC.

Counter-defendant.

13 SAIZ CONSTRUCTION COMPANY, INC., a
Utah Corporation,

Third-Party Plaintiff,

vs.

16 RISUN TECHNOLOGIES, LLC, a Utah Limited
17 Liability Company; TONOPAH SAND AND
18 GRAVEL, INC., a Nevada Corporation; TEAL
CONSTRUCTION, INC., a Utah Corporation;
SIERRA GEOTECHNICAL SERVICES, INC., a
California Corporation; and DOES 1 through 30.

Third-Party Defendants.

21 **STIPULATION AND ORDER TO DISMISS PAE APPLIED TECHNOLOGIES LLC'S**
22 **COMPLAINT AGAINST SAIZ CONSTRUCTION COMPANY, INC. AND SURETEC**
23 **INSURANCE COMPANY; SAIZ CONSTRUCTION COMPANY INC.'S**
24 **COUNTERCLAIM; AND SURETEC INSURANCE COMPANY'S CROSS-CLAIM**
AGAINST SAIZ CONSTRUCTION COMPANY INC.; AND TO DISMISS THIRD-
PARTY DEFENDANTS SIERRA GEOTECHNICAL SERVICES, INC., RISUN
TECHNOLOGIES, LLC, TONOPAH SAND AND GRAVEL, INC. AND DEVELOPER'S
SURETY AND INDEMNITY COMPANY WITH PREJUDICE

1 **STIPULATION AND ORDER TO DISMISS PAE APPLIED TECHNOLOGIES LLC'S**
2 **COMPLAINT AGAINST SAIZ CONSTRUCTION COMPANY, INC. AND SURETEC**
3 **INSURANCE COMPANY; SAIZ CONSTRUCTION COMPANY INC.'S**
4 **COUNTERCLAIM; AND SURETEC INSURANCE COMPANY'S CROSS-CLAIM**
5 **AGAINST SAIZ CONSTRUCTION COMPANY INC.; AND TO DISMISS THIRD-**
6 **PARTY DEFENDANTS SIERRA GEOTECHNICAL SERVICES, INC., RISUN**
7 **TECHNOLOGIES, LLC, TONOPAH SAND AND GRAVEL, INC. AND DEVELOPER'S**
8 **SURETY AND INDEMNITY COMPANY WITH PREJUDICE**

9 Plaintiff / Counter-defendant PAE Applied Technologies LLC, by and through counsel
10 Amy Sorenson, Esq. of the law firm SNELL & WILMER LLP and Brian J. Vella, Esq. of the law
11 firm SMITH PACTER MCWHORTER PLC, Defendant / Counterclaimant / Cross-Defendant /
12 Third-Party Plaintiff Saiz Construction Company Inc., by and through its counsel Shea A. Backus,
13 Esq. of the law firm BACKUS, CARRANZA & BURDEN, Defendant / Cross-claimant / Third-Party
14 Plaintiff SureTec Insurance Company, by and through its counsel D. Chris Albright, Esq. of the
15 law firm ALBRIGHT, STODDARD, WARNICK & ALBRIGHT and Frank Lanak, Esq. of the
16 law firm LANAK & HANNA, P.C., Third-Party Defendants Risun Technologies, LLC and
17 Developer's Surety and Indemnity Company, by and through their counsel Brett D. Ekins, Esq. of
18 the law firm JONES WALDO HOLBROOK & MCDONOUGH, Third-Party Defendant Tonopah
19 Sand and Gravel, Inc., by and through its counsel David S. Schopick, Esq. of the law firm
20 SPRINGEL & FINK LLP, and Third-Party Defendant Teal Construction Inc., by and through its
21 counsel Kurt Bonds, Esq. of the law firm ALVERSON, TAYLOR, MORTENSEN & SANDERS,
22 hereby stipulate as follows:

23 1. On December 19, 2014, Plaintiff filed its original Complaint in the District Court of
24 Nye County, Nevada. [Doc. 1]

25 2. On February 27, 2015, Defendant SureTec Financial Corporation removed this
matter to federal court. [Doc. 1]

26 3. On March 6, 2015, the appearing parties Plaintiff PAE Applied Technologies LLC
27 and Defendant SureTec Financial Corporation stipulated to filing of an amended complaint to
28

1 substitute SureTec Insurance Company as a defendant and dismissing SureTec Financial
2 Corporation. [Doc. 9]

3 4. On March 16, 2015, Plaintiff PAE Applied Technologies LLC filed its First
4 Amended Complaint naming Defendants Saiz Construction Company Inc. and SureTec Insurance
5 Company. [Doc. 12]

6 5. On April 20, 2015, Defendant SureTec Insurance Company filed its Answer to
7 First Amended Complaint and also filed its Crossclaim against Cross-Defendant Saiz Construction
8 Company Inc. and Third-Party Complaint against Third-Party Defendants Sierra Geotechnical
9 Services, Inc., Risun Technologies, LLC, Tonopah Sand & Gravel, Inc., Teal Construction, Inc.,
10 Developer's Surety and Indemnity Company, and John Does I through 30, and Roe Business
11 Entities 1 through 30. [Doc. 20]

12 6. Defendant Saiz Construction Company Inc. filed its Answer to Plaintiff's First
13 Amended Complaint on May 11, 2015. [Doc. 38] Defendant Saiz Construction Company, Inc.
14 filed its Amended Answer, Counterclaim and Third-Party Complaint naming Third-Party
15 Defendants Risun Technologies, LLC, Tonopah Sand & Gravel, Inc., Teal Construction, Inc.,
16 Developer's Surety and Indemnity Company, and Does I through 30 On June 1, 2015. [Doc. 48]
17 Cross-Defendant Saiz Construction Company Inc. filed its Answer to SureTec Insurance
18 Company's Counterclaim on July 6, 2015. [Doc. 76]

19 7. Third-Party Defendant Risun Technologies, LLC filed its Answer to SureTec
20 Insurance Company's Third-Party Complaint on June 4, 2015. [Doc. 58]

21 8. Third-Party Defendant Developer's Surety and Indemnity Company filed its
22 Answer to SureTec Insurance Company's Third-Party Complaint on June 4, 2015. [Doc. 59]

23 9. Third-Party Defendant Sierra Geotechnical Services, Inc. filed its Answer to
24 SureTec Insurance Company's Third-Party Complaint on June 5, 2015. [Doc. 62]

1 10. Plaintiff/Counter-Defendant PAE Applied Technologies LLC filed its Answer to
2 Saiz Construction Company Inc.'s Counterclaim on June 25, 2015. [Doc. 67]

3 11. Third-Party Defendant Teal Construction Inc. filed its Answer to Third-Party
4 Plaintiff Saiz Construction Company Inc.'s Third-Party Complaint on September 4, 2015. [Doc.
5 92]

6 12. Third-Party Defendant Teal Construction Inc. filed its Answer to Third-Party
7 Plaintiff SureTec Insurance Company's Third-Party Complaint on September 11, 2015. [Doc. 93]

8 13. Third-Party Defendant Tonopah Sand and Gravel, Inc. filed its Answer to Third-
9 Party Plaintiff SureTec Insurance Company's Third-Party Complaint on September 23, 2015.
10 [Doc. 95]

11 14. Third-Party Defendant Tonopah Sand and Gravel, Inc. filed its Answer to Third-
12 Party Plaintiff Saiz Construction Company Inc.'s Third-Party Complaint on September 23, 2015.
13 [Doc. 96]

14 15. On December 15, 2015, the parties participated in mediation with mediator Ken C.
15 Gibbs of JAMS. After said mediation, the parties continued to discuss resolution of this matter
16 with the assistance of Mediator Gibbs.

17 16. A settlement of all claims between the following parties was reached on or about
18 March 8, 2016: Plaintiff / Counter-defendant PAE Applied Technologies LLC, Defendant /
19 Counterclaimant / Cross-Defendant / Third-Party Plaintiff Saiz Construction Company Inc.,
20 Defendant / Cross-claimant / Third-Party Plaintiff SureTec Insurance Company, Third-Party
21 Defendants Risun Technologies, LLC and Developer's Surety and Indemnity Company, and
22 Third-Party Defendant Tonopah Sand and Gravel, Inc. (hereinafter collectively referred to as
23 "Settling Parties").

24 ///

25 ///

17. As part of this settlement, the settling parties agreed to voluntarily dismiss the following claims against the following parties in accordance with FED. R. CIV. P. 41:

- a. PAE Applied Technologies LLC's claims set forth in its First-Amended Complaint (Doc. 12) against Saiz Construction Company Inc. and SureTec Insurance Company;
- b. SureTec Insurance Company's claims set forth in its Crossclaim (Doc. 20) against Saiz Construction Company Inc.
- c. SureTec Insurance Company's claims set forth in its Third-Party Complaint (Doc. 20) against Third-Party Defendants Sierra Geotechnical Services, Inc., Risun Technologies, LLC, and Tonopah Sand & Gravel, Inc.
- d. Saiz Construction Company Inc.'s claims set forth in its Counterclaim (Doc. 48) against PAE Applied Technologies LLC.
- e. Saiz Construction Company Inc.'s claims set forth in its Third-Party Complaint (Doc. 48) against Third-Party Defendants Risun Technologies, LLC, Tonopah Sand & Gravel, Inc., and Developer's Surety and Indemnity Company.

18. The Settling Parties will bear their own attorneys fees and costs.

18 19. This voluntary dismissal of claims does not resolve this entire case.

19 20. No trial date has been set in this case.

20 21. Third-Party Plaintiffs Saiz Construction Company Inc. and SureTec Insurance
21 Company's claims set forth in their respective Third-Party Complaints against Third-Party Defendant
22 Teal Construction, Inc. have not been settled, and Third-Party Plaintiffs, accordingly, maintain their
23 third-party claims against Teal Construction, Inc. Accordingly, Third-Party Teal Construction, Inc. is
24 not being dismissed by way of this voluntary dismissal.

1 IT IS HEREBY STIPULATED AND AGREED TO BY:

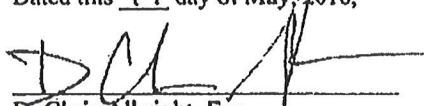
2 Dated this 21 day of May, 2016.

3 
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9 *Attorneys for Defendant/Counterclaimant/
Third-Party Plaintiff Saiz Construction
Company, Inc.*

11

12 Dated this 17th day of May, 2016,

13 
14 D. Chris Albright, Esq.
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23 *Defendant / Third-Party Plaintiff / Cross-
claimant SureTec Insurance Company*

June
2 Dated this 10 day of May, 2016,


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Plaintiff PAE Applied Technologies, LLC

Dated this 13th day of May, 2016,


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*Third-Party Defendant Sierra Geotechnical
Services, Inc.*

1 Dated this 16th day of May, 2016,

Brett E.

2
3 Brett D. Ekins, Esq.
4 JONES WALDO HOLBROOK &
5 McDONOUGH
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11 *Third-Party Defendants*

12 *Risun Technologies, LLC & Developer's
13 Surety and Indemnity Company*

14 Dated this ____ day of May, 2016,

15 See next page

16 Leonard T. Fink, Esq.
17 David S. Schopick, Esq.
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24 dschopick@springelfink.com

25 *Third-Party Defendant Tonopah Sand and
Gravel, Inc.*

17 **IT IS SO ORDERED.**

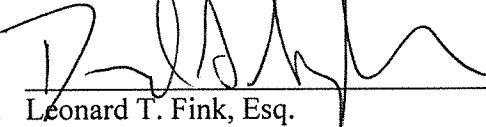
18 DATED this ____ day of ____ 2016.

19
20 Hon. Richard F. Boulware, II
21 United States District Court
22 Case No. 2:15-cv-00357-RFB-NJK

1 Dated this ____ day of May, 2016,
2 see prior page

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11 *Third-Party Defendants*
12 *Risun Technologies, LLC & Developer's*
13 *Surety and Indemnity Company*

14 Dated this ____ day of May, 2016,

15 
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24 dschopick@springelfink.com
25 *Third-Party Defendant Tonopah Sand and*
Gravel, Inc.

17 **IT IS SO ORDERED.**

18 DATED this 19th day of July, 2016.



19
20 Hon. Richard F. Boulware, II
21 United States District Court
22 Case No. 2:15-cv-00357-RFB-NJK
23
24
25